

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RONALDO LIGONS, BRENT BUCHAN,
LAWRENCE MAXCY, JOHN ROE, and
JANE ROE, individually, and on behalf
of those similarly situated,

Case No. 15-CV-2210 (PJS/BRT)

Plaintiffs,

v.

ORDER

MINNESOTA DEPARTMENT OF
CORRECTIONS; THOMAS ROY, in his
official capacity as Commissioner,
Minnesota Department of Corrections;
DAVID A. PAULSON, M.D., in his
official capacity as Medical Director,
Minnesota Department of Corrections;
and NANETTE LARSON, in her official
capacity as Health Services Director,
Minnesota Department of Corrections,

Defendants.

Andrew H. Mohring, Michael V. Ciresi, Katie Crosby Lehmann, and Esther O. Agbaje, CIRESI CONLIN LLP; Peter J. Nickitas; and Carl Peter Erlinder, for plaintiffs.

Kathryn A. Fodness and Kelly S. Kemp, MINNESOTA ATTORNEY GENERAL'S OFFICE, for defendants.

Plaintiffs are inmates in the custody of defendant Minnesota Department of Corrections ("DOC") who have chronic hepatitis C ("HCV") infections. They bring claims under the Eighth Amendment and Title II of the Americans with Disabilities Act

("ADA"), 42 U.S.C. § 12131 et seq., on behalf of themselves and a putative class challenging the DOC's treatment protocol for inmates with chronic HCV.

This matter is before the Court on defendants' motion for summary judgment and plaintiffs' motion for class certification. For reasons that will be described in a memorandum to be issued before trial, defendants' motion is granted in part and denied in part and plaintiffs' motion is granted as follows:

1. Defendants' motion for summary judgment [ECF No. 219] is GRANTED IN PART and DENIED IN PART.
 - a. The motion is GRANTED as to all claims by plaintiffs Ronaldo Ligons and Brent Buchan, and those claims are DISMISSED WITHOUT PREJUDICE.
 - b. The motion is GRANTED as to claims seeking universal opt-out screening for hepatitis C, and those claims are DISMISSED WITHOUT PREJUDICE.
 - c. The motion is GRANTED as to plaintiff Lawrence Maxcy's claim under the Americans with Disabilities Act, and that claim is DISMISSED WITH PREJUDICE AND ON THE MERITS.
 - d. The motion is DENIED in all other respects.

2. Any remaining claims for damages are DISMISSED WITHOUT PREJUDICE.
3. Plaintiffs' motion for class certification [ECF No. 238] is GRANTED.
4. The Court hereby certifies the following class under Fed. R. Civ. P. 23(b)(2): "All current and future inmates of Minnesota correctional facilities who have been diagnosed with chronic hepatitis C and have not received treatment with a direct-acting antiviral medication."
5. Plaintiff Lawrence Maxcy is appointed class representative and his attorneys of record are appointed as class counsel, with Ciresi Conlin LLP appointed as lead class counsel.

Dated: January 3, 2019

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge